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E. MAIL: badler1@houston.tx.comINTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Minh -Tam Davis	Benjamin A. Adler, Ph.D., J.D.
COMPANY:	DATE:
US PTO, Art unit 1642	4/22/04
FAX NUMBER:	TOTAL NO. OF PAGES :
(571) 273-0830	22 (including cover)
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	D6126
RE:	YOUR REFERENCE NUMBER:
Notice of Appeal & Response and Amendment	09/721,864

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Comments:

Please deliver the attached to Examiner Davis.

As requested, attached is a Notice of Appeal filed November 6, 2003 (include a photocopy of postcard) and Response and Amendment filed July 23, 2003 by via facsimile (include a fax confirmation) for 09/721,8642 (D6126; Scheinberg, et al.)

If you have any questions after reviewing these papers, please call me at PHONE: 713/270-5391, FAX: 713/270-5361. Thank you.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader is not the intended recipient or an employee or agent responsible for delivery, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please immediately notify Dr. Benjamin Adler at (713) 270-5391 and promptly return the facsimile. Thank you.

OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: Schneider et al. Attorney: Benjamin Aaron Adler
 Serial No.: 091221,864 Docket No.: D6126 Date: 11-06-03

☐ Provisional Patent Application w/coversheet
☐ Sequence Listing w/ Compliance Letter + CRF
☐ Application for Patent including ☐ PCT
 pages spec. total claims
☐ Request for filing ☐ Continuation
 ☐ Divisional
☐ Request for Continued Examination
☐ Drawings: sheets ☐ informal ☐ formal
☐ Check for \$ _____
☐ Certificate of Mailing 1.10
 Express No.: EL
☒ Certificate of Mailing 1.8
☐ Transmittal letter
 ☐ Affidavit or ☐ Declaration ☐ Oath
☐ Combined Declaration and Power of Attorney
☐ Assignment, w/check for \$ not included
☒ Postcard

☒ Petition for Extension of Time 3 month(s)
 with check for _____
☐ Response to Notice to File Missing Parts
☐ Response to Office Action ☐ RAF
☐ Response to Restriction Requirement
☐ Priority Document
☐ Issue Fee Transmittal
☐ Amendment after allowance
☐ Information Disclosure Statement
☐ PTO form 1449
☒ Notice of Appeal
☐ Appeal Brief in triplicate
☐ Transmittal letter for Appeal Brief
☐ PCT Request
☐ PCT Demand
☐ Power of Attorney by applicant

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☐ PCT Demand
☐ Power of Attorney by applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Scheinberg <i>et al.</i>	§	ART UNIT:
	§	1642
FILED: November 24, 2000	§	
	§	EXAMINER:
SERIAL NO.: 09/721,864	§	Davis, M.T.B
	§	
FOR: Alpha-Emitting Constructs	§	DOCKET:
and Uses Thereof	§	D6126

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES AND
PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136**

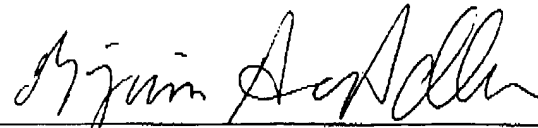
Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision, dated May 6, 2003, from the Primary Examiner, rejecting claims 1, 3-4 and 7. Please debit the \$165 fee under 37 C.F.R. §1.17(b) or any other fees due from Deposit Acct. 07-1185.

Pursuant to 37 C.F.R. §1.136(a), Applicant hereby petitions that the period for response for the purpose of filing a Notice of Appeal, as governed by the May 6, 2003 mailing date of the Final Office Action, for the above-referenced patent application, be extended three months to and including November 6, 2003. Please debit the \$475 fee under 37 C.F.R. §1.17(a) or any other fees from Deposit Acct. 07-1185.

Respectfully submitted,

Date: Nov 6, 2003
ADLER & ASSOCIATES
8011 Candle Lane
Houston, Texas 77071
(713) 270-5391
BADLER1@houston.rr.com


Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Counsel for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Scheinberg *et al.*

§ ART UNIT:

§ 1642

FILED: November 24, 2000

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SERIAL NO.: 09/721,864

EXAMINER:

Davis, M.T.B

FOR: Alpha-Emitting Constructs
and Uses Thereof

DOCKET:

D6126

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Dear Sir:

I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- 1) Notice of Appeal;
- 2) Petition for Extension of Time and
- 3) Return postcard.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: Mar 6, 2003

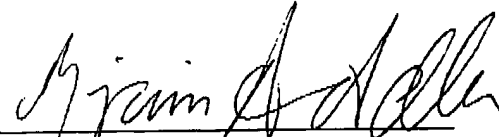
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Benjamin Aaron Adler, Ph.D., J.D.

Counsel for Applicant

Registration No. 35,423